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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,801	03/12/2004	Sander Jurgen Roosendaal	NL010603A	8309

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EXAMINER

NGUYEN, HOAN C

ART UNIT PAPER NUMBER

2871

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Ag

Office Action Summary	Application No. 10/799,801	Applicant(s) ROOSENDAAL ET AL.	
	Examiner HOAN C. NGUYEN	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-27 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 6-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

In PRELIMINARY AMENDMENT filed on 3/12/04, applicants canceled ORIGINAL CLAIMS 1-5 and added NEW CLAIMS 11-27. The Original specification discloses (page 2 line 28 to page 3 line 24) ONLY three methods for generating a pattern $\lambda/4$ foil, which comply with claims 6-10. Nowhere in specification discloses the limitations of New Claims 11-27 (e.g. first and second area segments).

In MPEP, Section of 608.01(o) [R-2] Basis for Claim Terminology in Description states:

Usually the terminology of the original claims follows the nomenclature of the specification, but sometimes in amending the claims or in adding new claims, new terms are introduced that do not appear in the specification.
The use of a confusing variety of terms for the same thing should not be permitted.

New claims and amendments to the claims already in the application should be scrutinized not only for new matter but also for new terminology. While an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. This is necessary in order to insure certainty in construing the claims in the light of the specification, Ex parte Kotler, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901). See 37 CFR 1.75, MPEP § 608.01(i) and § 1302.01.

If the examiner determines that the claims presented late in prosecution do not comply with 37 CFR 1.75(d)(1), applicant will be required to make appropriate amendment to the description to provide clear support or antecedent basis for the terms appearing in the claims provided no new matter is introduced.

Applicant needs to provide the support of all limitations in new claims appearing in PRELIMINARY AMENDMENT filed on 3/12/04. The claims 6-10 and new claims 11-27 require the following restriction.

Election/Restrictions

This application contains embodiments directed to the following patentably distinct species of the claimed invention:

A. The species of First embodiment drawn to a method of generating a patterned $\lambda/4$ foil comprising the following steps: depositing a reactive liquid crystal layer (16a) on a substrate, applying a mask, covering parts of the display corresponding to transmissive parts of the display, while revealing parts corresponding to reflective parts, photo-polymerizing said reactive liquid crystal layer, through said mask removing non-reacted liquid crystal material (2 line 30 to page 3 line 3 in specification).

B. The species of Second embodiment drawn to a method of generating a patterned $\lambda/4$ foil comprising the following steps: depositing a reactive liquid crystal layer (16a) on a substrate, applying a mask, covering parts of the display corresponding to transmissive parts of the display, while revealing parts corresponding to reflective parts, performing a first photo-polymerization exposure of said reactive liquid crystal layer, while keeping the reactive liquid crystal layer at a first temperature, performing a second photo-polymerization exposure of the reactive liquid crystal layer, while keeping the reactive liquid crystal layer at a second temperature, whereby one of said photo-polymerization exposures are made through a mask, being applied on said reactive liquid crystal layer (page 3 lines 4-16 in specification).

C. The species of Third embodiment drawn to a method of generating a patterned $\lambda/4$ foil comprising the following steps: depositing a reactive liquid crystal

layer (16a) on a substrate, providing a patterned orientation layer, corresponding to the desired patterned $\lambda/4$ foil (page 3 lines 17-19 in specification).

D. The species of Fourth embodiment drawn to a method of generating a patterned $\lambda/4$ foil comprising processing the following step: the reactive liquid crystal material via the pattern to produce the retardation of the first area segments different from the retardation second area segments (nowhere in specification discloses these features).

However, the species D of Fourth embodiment embodiments directed to the following patentably distinct sub-species of the claimed invention:

I. The sub-species drawn to a method of generating a patterned $\lambda/4$ foil comprising processing including photo-polymerizing the reactive liquid crystal material in a first area segments and removing the reactive liquid crystal material from a second area segments (nowhere in specification discloses these features).

II. The sub-species drawn to a method of generating a patterned $\lambda/4$ foil comprising processing including photo-polymerizing the nematic liquid crystal material in a first area segments at a first temperature and photo-polymerizing the reactive liquid crystal material in a second area segments at second temperature (nowhere in specification discloses these features).

III. The sub-species drawn to a method of generating a patterned $\lambda/4$ foil comprising processing including orienting a reactive liquid crystal material at a first

planar orientation different from a reactive liquid crystal material at a second planar orientation(nowhere in specification discloses these features).

IV. The sub-species drawn to a method of generating a patterned $\lambda/4$ foil comprising processing of a reactive liquid crystal material providing the first birefringence of a first area segment the second birefringence of a second area segment (nowhere in specification discloses these features).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims and any drawings readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOAN C. NGUYEN whose telephone number is (571) 272-2296. The examiner can normally be reached on MONDAY-THURSDAY:8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim H Robert can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HOAN C. NGUYEN
Examiner
Art Unit 2871

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